IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH.

Crl. Misc. No. 33477-M of 2006

DATE OF DECISION : 29.09.2006

Sanjay Kaharbanda and another

.... PETITIONERS

Versus

State of Union Territory, Chandigarh and another

..... RESPONDENTS

CORAM :- HON'BLE MR. JUSTICE SATISH KUMAR MITTAL

Present: Mr. A.K. Sharma, Advocate,
for the petitioners.

Mr. Ram Pal, Advocate, for
Mr. Rajeev Sharma, Advocate,
Standing Counsel for U.T. Chandigarh.

Mr. Gurinderjit Singh, Advocate,
for respondent No.2.

* * *

The petitioners have filed this petition under Section 482 of the Code of Criminal Procedure for quashing of case FIR No. 3 dated 4.1.2003 under Sections 406/498-A IPC, registered at Police Station 26 East, Chandigarh, and the subsequent proceedings arising therefrom.

In pursuance of the notice, issued by this Court, respondent No.2 has appeared and made the following statement, which has been counter-signed by her counsel :-

> "My marriage was solemnized with petitioner No.1 on 11.12.2000. One female child was born out of this wed lock on 22.7.2002. After the birth of child, when my husband and his family members started harassing me, I was compelled to lodge FIR No. 3 dated 4.1.2003 under Sections 406/498-A IPC, registered at Police Station 26 East, Chandigarh against the petitioners. During the pendency of the said case, with the

> intervention of the family members, we have compromised the matter and consequently, a petition under Section 13-B of the Hindu Marriage Act was filed by us, upon which decree of divorce by mutual consent has been granted on 5.6.2006 by District Judge, Chandigarh. Now we have settled the disputes and in view of the amicable settlement, I do not want to press the aforesaid FIR and I have no objection if the FIR and the consequent proceedings are quashed."

After hearing counsel for the parties, I am of the opinion that since the parties have compromised the matter and decree of divorce by mutual consent has been granted, therefore, no useful purpose will be served by continuing with the criminal proceedings in the aforesaid FIR and it will be futile because respondent No.2-complainant is not going to support the prosecution case. I am satisfied that the settlement arrived at between the parties is bonafide. Therefore, in view of the aforesaid of respondent No.2-complainant, the fact that the parties have compromised the matter and the law laid down by the Hon'ble Apex Court in B.S. Joshi and Ors. vs. State of Haryana and Anr., JT 2003 (3) SC 277, FIR No. 3 dated 4.1.2003 under Sections 406/498-A IPC, registered at Police Station 26 East, Chandigarh, and all the subsequent proceedings arising therefrom are quashed.

Petition stands allowed accordingly.

September 29, 2006 **(SATISH KUMAR MITTAL)**
ndj **JUDGE**